

CITY OF DACULA

442 Harbins Rd
P. O. Box 400
Dacula, GA, 30019

COUNCIL MEETING

MINUTES

April 7, 2011

I. CALL TO ORDER AND ROLL CALL OF THE MEMBERS:

Mayor Jimmy Wilbanks called the April 7, 2011 Council Meeting to order at 7:00 P.M. and roll call of the members was taken. A quorum was present. Mayor Wilbanks asked all present to turn off any cell phones or set them to silent. Mayor Wilbanks welcomed everyone to the Council's Regular Meeting for March.

Council Members Present:

Jimmy Wilbanks, Mayor
Wendell Holcombe, Councilman
Gregory Reeves, Councilman
Susan Robinson, Councilwoman
Tim Montgomery, Councilman

City Staff Present:

Jim Osborn, City Administrator
Kay Partain, City Accounting Clerk
Joey Murphy, City Planner
Dennis Still, City Attorney
Reed Miller, City Marshal
Steve Cline, City Marshal
Mike Moon, Public Works Supervisor

City Staff Absent:

Wayne Holcombe, City Building Inspector

Visitors

See Attached.

II. INVOCATION

Invocation was given by Councilman Tim Montgomery.

III. PLEDGE OF ALLEGIANCE

Mayor Wilbanks led the recitation of the Pledge of Allegiance to the Flag of the United States.

IV. MINUTES

Approval of the Minutes from the Regular Council Meeting for March 3, 2011

Mayor Wilbanks asked for a motion to approve the minutes for the March 3, 2011 regular Council Meeting.

Motion made by Councilman Wendell Holcombe to approve the Minutes of March 3, 2011 regular Council Meeting as presented. Motion was seconded by Councilman Gregory Reeves. Motion was unanimously approved with a 4-0 vote.

V. OLD BUSINESS:

- 1. *Authorize the City to purchase a leaf/chipper truck for street department or repair the existing truck.***

Mayor Wilbanks asked for a motion from the Council.

Motion made by Councilwoman Susan Robinson to authorize the repair of the existing leaf/chipper truck. Motion was seconded by Councilman Wendell Holcombe. Motion passed with a 3-1 vote. Councilwoman Susan Robinson, Councilman Wendell Holcombe, Councilman Gregory Reeves voted in favor. Councilman Tim Montgomery voted in opposition.

- 2. *Authorize the City to engineer plans for 2nd Avenue two-way entrance at Dacula Road.***

Mayor Wilbanks asked Jim Osborn, City Administrator for staff comments.

Mr. Osborn stated Mr. Guy Abernathy with Ringo, Abernathy & Associates is present tonight if the Council has additional questions. Mr. Osborn stated the concept plans have been prepared by Ringo, Abernathy & Associates to widen 2nd Avenue to 28 feet with a 30 foot radius curves. Subdivision road intersections are typically 27-28 feet wide and have 25-foot radii. The intent here is to make 2nd Ave. a right in, right out only. This will be funded by SPLOST. The vote tonight is only to authorize Ringo, Abernathy & Associates to engineer plans.

Mayor Wilbanks asked for a motion.

Motion made by Councilman Tim Montgomery to authorize the City to engineer plans for 2nd Avenue two-way entrance at Dacula Road. Motion was seconded by Councilman Gregory Reeves. Councilman Tim Montgomery and Councilman Gregory Reeves voted in favor. Councilwoman Susan Robinson and Councilman Wendell Holcombe voted in opposition. In order to break the tie, Mayor Wilbanks voted. Mayor Wilbanks voted in favor. Motion passed with a 3-2 vote.

VI. NEW BUSINESS:

1. *Award Architectural Design of the City Maintenance Facility Building.*

Mayor Wilbanks asked Mr. Osborn to give staff comments.

Mr. Osborn stated the City received three bids for the architectural design of the City's Maintenance Facility Building. Each bid was evaluated for price, accuracy and responsiveness to the Proposal and Performance Specifications established by the City. It appears Precision Planning, Inc. submitted the specified lowest bid in the amount of \$10,470.00 with the optional construction administration service not to exceed \$9,950.00. Mr. Bill Cornell, Precision Planning is present, if the Council has any questions. Staff recommendation is to accept Precision Planning Inc. proposal.

Mayor Wilbanks asked for a motion.

Motion made by Councilwoman Susan Robinson to award architectural design of the City Maintenance Facility Building to Precision Planning in the amount of \$10,470.00 for architectural construction documents with the optional construction administration service not to exceed \$9,950.00. Motion was seconded by Councilman Wendell Holcombe. Motion passed unanimously with a 4-0 vote.

2. *Authorize the City to demolish building on city owned property located on 2nd Avenue Parcel Number 5-302A-024.*

Mayor Wilbanks stated the City wants to demolish this building before anyone gets hurt. The City's Building Inspector has inspected the building and deemed it unsafe. Mayor Wilbanks expressed his desire to have the building down before April 18, 2010. City's employees will be demolishing the building.

There was a discussion between the Mayor, Council and the City Attorney about if an easement had been signed by Mr. Sam Hinton (*City owned building is very close to property lines*). Nothing was definite at the time of tonight's meeting.

Mayor Wilbanks asked for a motion.

Motion made by Councilwoman Susan Robinson to authorize the City to demolish the building on city owned property located on 2nd Avenue Parcel Number 5-302A-024. Motion was seconded by Councilman Wendell Holcombe. Motion passed unanimously with a 4-0 vote.

3. *Award Construction Bid for Freeman Mill Road/Franklin Drive Phase 1 and Freeman Mill Drive Phase 2.*

Mayor Wilbanks asked Mr. Osborn for staff comments.

Mr. Osborn stated the City had a bid opening on March 8, 2010. There were two (2) bids submitted. Again each bid was evaluated based on its price, accuracy and responsiveness to the request for proposal and performance specifications established by the City.

Ohmshiv Construction submitted the lowest, responsive bid in the amount of \$680,156.10. Ohmshiv Construction has previously done work for the City and the work was found to be of quality workmanship and within budget.

Staff recommendation is to award the Freeman Mill Road/Franklin Drive Phase 1 and Freeman Mill Road Phase 2 widening and replacement construction project to Ohmshiv Construction in the amount of \$680,156.10 and authorize the Mayor to sign the construction contract and notice to proceed. The construction will be paid in part by CDBG grant funds and the remainder by SPLOST.

Mayor Wilbanks asked for a motion.

Motion made by Councilman Gregory Reeves to award construction bid for Freeman Mill Road/Franklin Drive Phase 1 and Freeman Mill Road Phase 2 to Ohmshiv Construction in the amount of \$680,156.10, and to authorize the Mayor to sign the construction contract and the Notice to Proceed documents. Motion was seconded by Councilwoman Susan Robinson. Motion passed unanimously with a 4-0 vote.

4. *Adopt Gwinnett County Board of Health Regulation – Food Service Ordinance.*

Mayor Wilbanks stated Items # 4-8 agenda items will be heard together but each item will be voted on separately. Mayor Wilbanks asked Mr. Joey Murphy, City Planner for comments.

Mr. Murphy stated that Gwinnett County Dept. of Environmental Health has asked the City to adopt by reference their ordinances to help them enforce these ordinances more efficiently. Staff recommendation is for approval by reference as they stand.

Mayor Wilbanks asked Dennis Still, City Attorney for his comments.

Mr. Still stated these are updated ordinances that the City has already adopted in the past. Mr. Still recommended adoption.

Mayor Wilbanks asked for a motion.

Motion made by Councilman Gregory Reeves to adopt by reference Gwinnett County Board of Health Regulation – Food Service Ordinance. Motion was seconded by Councilman Wendell Holcombe. Motion passed unanimously with a 4-0 vote.

5. *Adopt Gwinnett County Board of Health Regulation – Tourist Accommodations Ordinance.*

The Mayor asked for a motion.

Motion made by Councilman Wendell Holcombe to adopt by reference Gwinnett County Board of Health Regulation – Tourist Accommodations Ordinance. Motion was seconded by Councilman Gregory Reeves. Motion passed unanimously with a 4-0 vote.

6. *Adopt Gwinnett County Human Resources Regulation 290-5-26 – On-Site Sewerage Management Systems Ordinance.*

The Mayor asked for a motion.

Motion made by Councilwoman Susan Robinson to adopt by reference Gwinnett County Human Resources Regulation 290-5-26 - On-site Sewerage Management Systems Ordinance. Motion was seconded by Councilman Tim Montgomery. Motion passed unanimously with a 4-0 vote.

7. *Adopt Gwinnett County Board of Health Regulation – Vector Control Ordinance.*

The Mayor asked for a motion.

Motion made by Councilman Gregory Reeves to adopt by reference Gwinnett County Board of Health Regulation – Vector Control Ordinance. Motion was seconded by Councilwoman Susan Robinson. Motion passed unanimously with a 4-0 vote.

8. *Adopt Gwinnett County Board of Health Regulation – Swimming Pools, Public Spa Pools, and Bath Houses Ordinance.*

The Mayor asked for a motion.

Motion made by Councilman Gregory Reeves to adopt by reference Gwinnett County Board of Health Regulation-Swimming Pools, Public Spa Pools, and Bath Houses Ordinance. Motion was seconded by Councilman Tim Montgomery. Motion passed unanimously with a 4-0 vote.

9. *Mayor and Council Member Comments*

Mayor Wilbanks asked each of the Councilmembers if they had any further questions or comments.

Councilwoman Susan Robinson stated that she wanted the City to obtain bids in order to repair the weather siren and add this to next month's agenda; the City needs a siren, especially after the severe storms recently.

The Council did not have any further questions or comments.

10. *City Administrator Comments.*

Mayor Wilbanks asked Jim Osborn, City Administrator if he had any comments.

Mr. Osborn stated none.

11. City Attorney Comments.

Mayor Wilbanks asked Dennis Still, City Attorney if he had any comments.

Mr. Still stated none.

12. City Marshal Comments.

Mayor Wilbanks asked Reed Miller, City Marshal and Steve Cline, City Marshal if either had any comments.

Marshal Miller and Cline stated none.

13. Public Works Supervisor Comments.

Mayor Wilbanks asked Mike Moon, Public Works Superintendent if he had any comments.

Mr. Moon stated none.

14. City Planner Comments.

Mayor Wilbanks asked Joey Murphy, City Planner if he had any comments.

Mr. Murphy stated none.

15. Gwinnett County Police Comments.

Mayor Wilbanks asked Major Tom Doran, Gwinnett County Police if he had any comments.

Major Doran stated none.

VII. PUBLIC COMMENTS:

Lanita Cornell, Tom Cornell, and JoBeth Berrier, 320 Church St., Dacula, GA 30019 requested consideration for installation of speed bumps on Church Street due to excessive speed by vehicles as they proceed up and down Church Street.

The Mayor and Council suggested that they should call Gwinnett County Police to watch for speeders and correct this problem before speed humps are installed.

VIII. EXECUTIVE SESSION: Real Estate

Mayor Wilbanks stated there is a need for a short executive session to discuss real estate matters. Mayor Wilbanks asked for a motion.

Motion was made by Councilman Gregory Reeves to go into Executive Session. Motion was seconded by Councilwoman Susan Robinson. Motion passed unanimously with a 4-0 vote.

The Mayor and Council left the Council Chambers to the Mayor's Office for an Executive Session.

Motion was made by Councilwoman Susan Robinson to come out of Executive Session. Motion was seconded by Councilman Gregory Reeves. Motion passed unanimously with a 4-0 vote.

Mayor and Council returned to the Council Chambers.

Motion made by Councilman Gregory Reeves to reconvene the regular Council Meeting. Motion was seconded by Councilman Tim Montgomery. Motion passed unanimously with a 4-0 vote.

Mayor Wilbanks stated there was no action taken at this time on the real estate matter in the executive session that was discussed.

IX. ADJOURNMENT:

Mayor Wilbanks asked for a motion to adjourn the meeting.

Motion made by Councilman Gregory Reeves to adjourn the meeting. Motion was seconded by Councilman Tim Montgomery. The motion passed unanimously with 4-0 vote. The meeting was adjourned.

Minutes approved _____
Date

Signature